



**DEPARTMENT OF HUMAN RESOURCES**  
**CITY OF CHICAGO**

**Effective Date:** February 1, 2019

**CITY OF CHICAGO DIVERSITY AND EQUAL EMPLOYMENT OPPORTUNITY POLICY**

**I. Statement of Purpose**

The purpose of the City of Chicago Diversity and Equal Employment Opportunity Policy ("Policy") is to ensure the full and active participation of all employees in the City's workforce and provide an effective means for the resolution of complaints of discrimination and harassment.

This Policy is implemented and enforced by the Diversity and Equal Employment Opportunity Division ("the EEO Division") of the Department of Human Resources ("DHR"). Through this Policy, the City seeks to recruit, nurture and retain a workforce that reflects the diversity of our communities.

The City of Chicago is an Equal Employment Opportunity employer and is committed to providing equal opportunity or treatment in its recruitment, hiring, performance evaluations, promotions, demotions, transfers, discipline and termination and in all other employment practices and decisions. The City of Chicago follows all applicable federal, state, local laws, regulations and ordinances prohibiting discrimination and harassment in the workplace.

The City encourages its employees, volunteers and any other individuals to raise any concerns regarding implementation of this Policy to the Diversity and EEO Division, or the appropriate person in a City department. Retaliation against any person who makes a good faith report concerning potential violations of this Policy, or cooperates with or assists the Diversity and EEO Division in enforcing this Policy, is expressly forbidden pursuant to the terms of this and other City policies and ordinances.

**II. Prohibited Conduct**

**a. Discrimination**

The City of Chicago, through this Policy, the Chicago Municipal Code and its Human Rights Ordinance, prohibits discrimination based on race, color, sex, gender expression or identity, age, religion, disability,<sup>1</sup> national origin, ancestry, sexual orientation, marital status, parental status, military service or unfavorable discharge from military service and any other status or characteristic protected by federal, state or local law, regulation or ordinance. This Policy prohibits discrimination which is based on actual or perceived membership in any of the foregoing protected groups.

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<sup>1</sup> The City's procedures for requesting a Reasonable Accommodation for a disability as required by the Americans with Disabilities Act are set forth in a separate policy.

**b. Sexual Harassment**

The City of Chicago prohibits sexual harassment. No person should be required to endure sexual harassment by supervisors or coworkers or as a condition of employment or as a condition of receiving City services.

Sexual harassment includes any unwelcome sexual advance, or request for sexual favors or conduct of a sexual nature when:

- submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or receipt of City services;
- submission to or rejection of such conduct by an individual is used as the basis of an employment or service decision affecting the individual; or
- such conduct has the purpose or effect of interfering with the work performance of an employee or volunteer or creating an intimidating, hostile or offensive work environment.

There is a broad range of conduct which may, in certain circumstances, be considered sexual harassment under this Policy. Examples of such conduct include, but are not limited to, sexually suggestive or offensive remarks, sexually suggestive pictures or graffiti, sexually suggestive gesturing, verbal harassment or abuse of a sexual nature, the displaying of sexual objects, implicit or explicit requests for sexual favors, repeated requests for dates that are unwelcome, stalking, sexual assault, touching, patting, or pinching, sending sexually suggestive email or text messages, and displaying sexually suggestive sites on the Internet.

Elected officials who engage in conduct alleged to constitute sexual harassment may be investigated pursuant to the Governmental Ethics Ordinance. Complaints of sexual harassment committed by an elected official may be reported to the Board of Ethics or to the Office of Inspector General ("OIG").

**c. Other Forms of Harassment**

Harassment based on race, color, sex, gender expression or identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military service or unfavorable discharge from military service and any other status or characteristic protected by federal, state or local law, regulation or ordinance is also prohibited by this Policy.

**d. Retaliation**

It is a violation of this Policy to retaliate against any person who in good faith asserts his or her rights by: 1) opposing discriminatory practices in the workplace; 2) complaining about conduct prohibited by this Policy; 3) complaining to, cooperating with or assisting the Diversity and EEO Division or a City department in resolving a complaint of discrimination.

Actions which may be considered retaliatory include, but are not limited to, refusal to hire, denial of promotion or job benefits, demotion, suspension or discharge, or any other actions affecting material terms and conditions of employment or the receipt of City services.

In addition, the following state and City statutes and ordinances prohibit retaliation against individuals for opposing or disclosing discrimination and/or harassment: the Illinois Whistleblower Act (740 ILCS 174/ 1, et seq.), the Illinois Human Rights Act (775 ILCS 5/6-101),

the State Officials and Employees Ethics Act (5 ILCS 430/15), and the City's Governmental Ethics Ordinance §2-156-019, Municipal Code of Chicago.

### **III. Applicability**

This Policy applies to volunteers and employees, whether paid or unpaid, of the City of Chicago, as well as applicants for City employment. This Policy also applies to the employees of vendors or contractors engaged by the City of Chicago and members of the public. Complaints made by or against employees of vendors or contractors and members of the public will be handled as set forth in sections XIV and XV of this Policy.

Employees of the Chicago Police Department ("CPD") must make complaints in accordance with the General Orders in effect at CPD.

### **IV. Limitations**

Nothing in this Policy is intended to nor shall be construed to create a private right of action against the City of Chicago or any of its employees. Furthermore, no part of this Policy shall be construed to create contractual or other rights, obligations, or expectations.

Nothing herein is intended to affect the right of any person to:

- make a charge of discrimination at the Chicago Commission on Human Relations or any local, state or federal agency with jurisdiction over such claims;
- raise a grievance under a collective bargaining agreement; or
- consult a private attorney.

A determination that this Policy has been violated is not a determination of unlawful discrimination, harassment or retaliation under federal, state, or local law. Conduct that may not be considered unlawful under applicable federal, state, or local law may nevertheless violate this Policy, and result in disciplinary action, up to and including discharge.

### **V. Responsibilities of the Deputy Commissioner for Diversity and Equal Employment Opportunity**

The Deputy Commissioner for Diversity and Equal Employment Opportunity ("EEO Deputy") shall:

- a. Direct the implementation of this Policy;
- b. Monitor the utilization of employees within all protected categories in an effort to identify unjustified underutilization that may constitute discrimination; and
- c. Conduct regular reviews of this Policy and implement revisions as needed.

### **VI. Responsibilities of the EEO Officer**

Under the supervision of the EEO Deputy, the Equal Employment Opportunity Officer ("EEO Officer") shall:

- a. Manage the City's process for investigating and resolving complaints made pursuant to this Policy;
- b. Assist departments with questions related to implementation of this Policy and respond to questions regarding diversity and inclusion; and

- c. Conduct training to ensure that all employees and volunteers are aware of this Policy and that all Department Heads, Departmental Liaisons and Supervisors understand their role in implementing this Policy and promoting a fair and inclusive workplace.

## **VII. Responsibilities of Department Heads**

Each Department head must take necessary steps to implement this Policy within his or her department, including designating a Departmental EEO Liaison and making efforts to ensure that the liaison fulfills the duties established in this Policy. Department heads must also adhere to the responsibilities set forth below for all other supervisory employees.

## **VIII. Responsibilities of Departmental EEO Liaisons**

### **a. Receiving Complaints**

EEO Liaisons must promptly report any complaints of discrimination, harassment or retaliation to the EEO Officer or the EEO Deputy. Liaisons must also promptly report any conduct they become aware of which may constitute discrimination, harassment or retaliation, even if no one has reported or complained about the conduct. EEO Liaisons must also provide contact information for the EEO Division as needed.

### **b. Assisting with EEO Division Investigations**

Liaisons will assist with various aspects of the investigation process, such as scheduling time for employees or volunteers to meet with EEO Division investigators, gathering documents pursuant to EEO Division requests and advising participants of the importance of confidentiality.

Promoting confidentiality supports DHR's goal of conducting thorough, effective investigations. EEO Liaisons should take steps to limit disclosure of information about the investigation beyond anyone who has a need to know, and should discourage unnecessary discussion of EEO complaints or investigations.

## **IX. Responsibilities of Supervisors**

### **a. Reporting Potential Violations**

Any supervisor who becomes aware of conduct that may be considered discriminatory, harassing or retaliatory as stated in this Policy must promptly report such conduct to a Departmental Liaison, or to the EEO Officer or EEO Deputy.

A supervisor who is aware of, or reasonably should be aware of, discriminatory, harassing or retaliatory conduct, whether or not anyone has reported or complained about such conduct, but fails to promptly report it, may be subject to discipline.

### **b. Reporting Voluntary Relationships**

While voluntary social relationships are not prohibited by this Policy, the existence of a dating relationship and/or a physically intimate relationship between a supervisor and subordinate has the inherent potential for coercion and conflicts of interest, and may create the appearance of impropriety. Therefore, any supervisor who has such a relationship with another City employee or volunteer over whom he or she has any supervisory authority must report this fact to his or

her Department Head in writing. Supervisors who fail to report such relationships may be subject to discipline.

## **X. Making Complaints**

### **a. Reporting Prohibited Conduct**

Any employee, volunteer, or applicant for City employment who believes that he or she has been discriminated against or harassed in violation of this Policy, or who claims to have suffered retaliation as described in this Policy, may file a complaint with the Diversity and EEO Division. Contact information for the Division appears at the end of this Policy and is available on the City's Intranet and Internet.

An employee, volunteer, or applicant may also report any conduct believed to be discriminatory, harassing or retaliatory to his or her department's EEO Liaison. As stated in this Policy, EEO Liaisons are obligated to inform the EEO Division of any such reports they receive. Other individuals may report prohibited conduct by contacting the EEO Division or the OIG using the contact information at the end of this Policy.

Persons who believe they are victims of sexual harassment by a City elected official may report the matter to the Board of Ethics or to the OIG.

### **b. Time Limits**

In order to help ensure an effective investigation, complaints should be made as soon as possible after the conduct occurs. When complaints are made promptly, the EEO Division can more effectively preserve relevant information and recommend remedial measures.

A complaint of discrimination or harassment under this Policy must be filed within one year of the date of the last alleged act of discrimination or harassment. A complaint of retaliation under this Policy must be filed within one year of the date of the action that is alleged to have been retaliatory.

The reporting of conduct to an EEO Liaison or the filing of a complaint with the EEO Division does not affect the rights of any person to file a similar complaint or charge with the Chicago Commission on Human Relations or any local, state or federal agency or court having authority to hear matters of discrimination, harassment, or retaliation. However, the reporting of conduct to an EEO Liaison or the filing of a complaint with the EEO Division also does not replace, modify, or extend any deadlines by which a similar complaint or charge must be filed with any other agency or court. Failure to report conduct to an EEO Liaison or to file a complaint with the EEO Division does not affect the rights of any person to file a complaint or charge with any agency or court having authority to address such complaints or charges.

## **XI. Resolution of Complaints**

### **a. Initiating an Investigation**

Any complaints made by employees of City of Chicago vendors or contractors, or members of the public will be forwarded to the OIG as set forth in sections XIV and XV of this Policy.

For complaints made by City employees or volunteers, upon receiving any complaint or report of discrimination, harassment, or retaliation, the EEO Division will first determine whether the allegations, if true, would constitute a violation of this Policy. If the allegations presented, even if true, would not constitute a violation, the EEO Division may proceed with other options as set forth in this Policy.

In cases where the allegations, if true, describe conduct that would constitute a violation of this Policy, the EEO Division will assign the matter a case number and initiate an investigation. The EEO Officer or his or her designee shall direct the investigation of all complaints.<sup>2</sup> In certain cases and as warranted, the EEO Division may utilize other non-investigatory options to address and resolve complaints, as described in this Policy.

Allegations of conduct that violates the Violence in the Workplace Policy which are included in complaints filed pursuant to this Policy shall be investigated contemporaneously by the EEO Division. Accordingly, any investigation report prepared pursuant to this Policy shall address all relevant policies.

**b. Referral to the Department**

If the EEO Officer determines that the allegations of the complaint, even if true, would not violate this Policy, but describe conduct that may be of concern to the department, the complaint will be forwarded to the EEO Liaison for further review by the department.

**c. Referral to the Inspector General's Office**

If the allegations of a complaint describe conduct that is not covered by this Policy, but if true, may constitute other misconduct, the EEO Officer will advise the OIG in writing. The EEO Officer will also forward matters involving individuals not employed by the City of Chicago to the OIG, as set forth in sections XIV and XV of this Policy.

**d. Other Alternatives, as appropriate**

In appropriate situations, in addition to or in lieu of investigatory options, the Diversity and EEO Division will work with departments to address complaints through counseling, providing written guidance, or other courses of action as determined by the EEO Officer.

**e. Complaints Concerning the Chicago Police Department**

Complaints concerning employees of the Chicago Police Department (CPD) must be made in accordance with the General Orders in effect at CPD.

**XII. Duty to Cooperate**

All employees, including managers and supervisors, and volunteers, shall cooperate with EEO Division staff and departmental EEO Liaisons in the course of an investigation under this Policy. Failure to cooperate may subject an employee or volunteer to discipline, as stated in the City of Chicago Personnel Rules.

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<sup>2</sup> The EEO Officer may delegate certain procedures established in this Policy to an EEO Investigator.

In cases where the person making the complaint chooses not to pursue the matter or fails to cooperate with the EEO Division, the Division may nevertheless proceed with an investigation in order to determine if this Policy has been violated.

Any employee or volunteer who knowingly makes a false accusation of discrimination, harassment or retaliation or knowingly provides false information in the course of an investigation, may be subject to discipline. A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.

### **XIII. Investigation Reports and Communication with Parties**

When the investigation is complete, the EEO Officer will prepare an Investigation Report containing a summary of the evidence, and a finding of whether a Policy violation has occurred. The report will state whether the allegations are “sustained” or “unsustained.” In instances where the EEO Officer finds that the allegations are sustained, the Investigative Report shall indicate the specific portion of the Policy and related section of the Personnel Rules that have been violated, and shall make a recommendation of discipline to the relevant department.

All Investigation Reports will be sent to the relevant Department Head(s) with a copy to the departmental EEO Liaison(s). In sustained cases, the Investigation Report will also be submitted to the Office of the Corporation Counsel and to the Commissioner of the Department of Human Resources.

#### **a. Notification of Parties**

The EEO Officer shall provide written notification to the complaining party (“Complainant”) and the accused party (“Respondent”) advising them of the outcome of the investigation. The departmental EEO Liaisons will be copied on this notification. The notification will not include the recommended discipline in sustained cases.

#### **b. Departmental Response**

Within 30 days of receiving an Investigation Report making a sustained finding, the Department Head will advise the EEO Officer in writing of the actions taken by the department. The Department Head will indicate whether he or she has followed the recommendation stated in the report, taken some other action or taken no action.

#### **c. Confidentiality**

All complaints and investigations will be kept confidential, to the extent possible. However, in certain circumstances the EEO Division is required by law to disclose information related to an investigation.

In order to maintain confidentiality, the EEO Division may limit the distribution of the Investigation Report and the investigative file. In sustained cases, the Division will provide a copy of the Investigation Report to the Respondent, upon Respondent’s request.

### **XIV. Complaints Involving City Contractors or Vendors**

#### **a. Complaints by Contractors or Vendors**

Complaints made by individuals employed by a vendor or contractor engaged by the City of Chicago alleging that a City employee acting in the scope of his or her employment has engaged

in conduct that may violate this Policy should be made to the OIG and will be investigated or otherwise addressed by that office. The EEO Division will refer such complaints to the OIG in writing.

**b. Complaints against City Contractors or Vendors**

In response to Complaints by City of Chicago employees or volunteers alleging inappropriate conduct by individuals employed by City vendors or contractors, the EEO Officer will take reasonable steps to assist the department and affected City employees or volunteers to ensure that all appropriate necessary mitigating actions are taken.

Complaints by members of the public alleging inappropriate conduct by individuals employed by City vendors or contractors should be made to the OIG and will be investigated or otherwise addressed by that office. The EEO Division will refer such complaints to the OIG in writing.

**XV. Complaints Involving Members of the Public**

**a. Complaints by Members of the Public**

Complaints by members of the public alleging that a City employee acting in the scope of his or her employment has engaged in conduct that may violate this Policy should be made to the OIG and will be investigated or otherwise addressed by that office. The EEO Division will refer such complaints to the OIG in writing.

**b. Complaints against members of the Public**

Complaints from City employees or volunteers who believe they have been subjected to discrimination or harassment by a member of the public should be made to the Chicago Commission on Human Relations or to any agency having authority to address such complaints. The EEO Officer will take reasonable steps to assist the department and affected City employees or volunteers to ensure that all appropriate necessary mitigating actions are taken.

**XVI. Penalties**

Employees or volunteers found to be in violation of this Policy may be subject to discipline, up to and including discharge. Violations of this Policy may include failure to report potential violations or voluntary relationships, as set forth in Section IX above, and failure to cooperate in the course of an investigation, as set forth in Section XII of this Policy.

**XVII. Contact Information**

**EEO Division**

City of Chicago Department of Human Resources  
Diversity and Equal Employment Opportunity Division  
121 N. LaSalle Street, Room 1100  
Chicago, IL 60602  
Phone: (312) 744-4224  
Facsimile: (312) 744-1521  
TTY: (312) 744-5035  
Email: [eeodiversity@cityofchicago.org](mailto:eeodiversity@cityofchicago.org)



**Office of Inspector General**

City of Chicago Office of Inspector General  
740 N. Sedgwick St., Suite 200  
Chicago, IL 60654  
Phone: (773) 478-7799 or (866) IG-TIPLINE  
TTY: (773) 478-2066  
Facsimile (773) 478-3949  
Website: <http://chicagoinspectorgeneral.org>

**Board of Ethics**

City of Chicago Board of Ethics  
740 N. Sedgwick St., 5<sup>th</sup> Floor  
Chicago, IL 60654  
Phone: (312) 744-9660  
TTY: (312) 744-5996  
Facsimile: (312) 744-2793  
Email: [Steve.Berlin@cityofchicago.org](mailto:Steve.Berlin@cityofchicago.org)